IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3958 of 2005

Between:

Y. Gangulamma, W/o Chinna Ganganna,
R/o Kutagulla Village, Kadiri Mandal, Anantapur District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Kadiri Mandal, Anantapur District.
2 Y. Narayanappa, S/o Y. Ganganna,
Kutagulla Village, Kadiri Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the inaction of the 1st respondent in not considering and acting upon the representation dated 21-6-2004 made by the petitioner as illegal and contrary to the provisions of the A.P. Water Land and Trees Act, 2002 and consequently direct the respondent to act in accordance with the provisions of the A.P. Water Land and Trees Act, 2002 in the instant case and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR,KUNCHEAMMAHESWARA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioner claims to be the owner and possessor of the lands situated in Sy.No.568-3 to an extent of Ac.0.26 cents, Sy.No.498, Ac.0.33 cents, Sy.No.505-A Ac.0.07 cents, Sy.No.486-3, Ac.3.33 cents, Sy.No.486-2, Ac.1.61 cents, Sy.No.487-3, Ac.1.22 cents and Sy.No.507, Ac.1.17½ cents in Kutagulla Village fields, Kadiri Mandal, Anantapur District, wherein, she has drilled a bore well in the year 1991. It is alleged that the second respondent herein has dug a bore well on 07-06-2004 within the prohibited distance of about 10 metres from existing bore well in the fields of the petitioner. Since, such action is not permissible under the provisions of A.P. Water, Land and Trees Act, 2002, (for short 'the Act') the petitioner made a complaint before the first respondent-Mandal Revenue Officer, on 21-06-2004. The only grievance of the petitioner in this writ petition is that the first respondent failed to consider the said complaint and no action has been taken, so far.

Having regard to the facts and circumstances of the case and in view of the provisions of the A.P. Water, Land and Trees Act, 2002, without expressing any opinion on the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent-Mandal Revenue Officer, to consider the complaint made by the petitioner dated 21-06-2004 and pass appropriate orders, after following due process as prescribed under the provisions of the Act and the Rules made thereunder after affording due opportunity to the second respondent, as expeditiously as possible, within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 02-03-2005

Note: Furnish C.C. in three days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Mandal Revenue Officer, Kadiri Mandal, Anantapur District.
2 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

3 Two C.D. copies.